

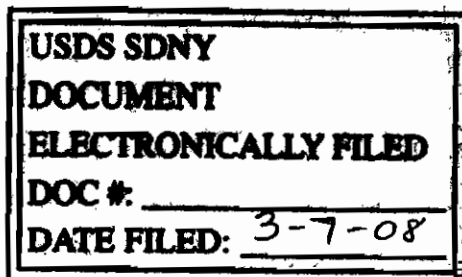
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March 6, 2008

Reference: 21360/6003225-000

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VIA FACSIMILE

The Hon. P. Kevin Castel
United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

MEMO ENDORSED

Re: **Associated Press v. All Headline News, No. 1:08-CV-00323 (PKC)**

Dear Judge Castel:

We represent Defendants in the referenced case. We write in relation to the letter that Plaintiff's counsel submitted to the Court today.

We did not understand the Court to require a pre-motion conference before the filing of a Rule 12(b) motion, but if the Court does require a conference, we certainly apologize and will follow whatever direction the Court gives to set this matter on a proper course.

We observe in the letter submitted by Plaintiff's counsel that Plaintiff believes the Rule 12(b) motion to be without merit. In this respect at least, it appears that the parties are unable to resolve their differences and obviate the need for a motion.

Respectfully submitted,


Eric A. Prager

cc: Andrew L. Deutsch, Esq. (via facsimile)

for April 18 at 11:30 a

Motion deemed withdrawn. Time to answer or move extended to initial conference. Plaintiff should treat the motion as a request for motion schedule for March 14.

date to be set at

50 ORDERED 3-7-08